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Attorneys

November 16, 2022

Via PACER

Hon. Glenn T. Suddaby
US District Court
Northern District of New York
James M. Hanley Federal Building & U.S. Courthouse
100 S. Clinton St.
Syracuse, NY 13261

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Re: Devins v. Oneida County, et al.
Civil Case No.: 6:21-CV-0802 (GTS/ATB)
KSLN File No.: COO 31371

Dear Judge Suddaby:

At the conclusion of today's conference regarding the above matter, I telephoned the District Attorney of Oneida County to confirm whether the hard drive tape sent to CBS was in fact the original hard drive. I was informed that the original video remains on the cell phone of the convicted murderer of Bianca Devins, Brandon Clark, and that this cell phone is in the possession and control of the Utica Police Department. I further understand that the video from Clark's cell phone was downloaded, and a copy was given to the Oneida County District Attorneys Office to be used in the criminal prosecution of Brandon Clark. The District Attorney continues to have in its possession this copy of the hard drive and intends to continue to possess it in case there is ever a new trial against Brandon Clark. The hard drive is being held in a secure evidence locker. I wanted to clear the record with respect to the hard drive that was sent to CBS and is now in the Court's possession. Prior to filing this letter, I spoke to the plaintiff's counsel and informed him of this situation regarding the hard drive.

Respectfully,

KENNEY SHELTON LIPTAK NOWAK LLP

A handwritten signature in black ink, appearing to read "David H. Walsh".

David H. Walsh, Partner
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DHW/kmd